



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

February 16, 2005

SUBJECT: **2005-0031 – Taverna Gyros** [Applicant] Carmen A Hubbard
[Owner]: Application on a 3,125 square foot site located at
133 South Murphy Avenue in a DSP-2 (Downtown Specific
Plan/ Block 2) Zoning District.

Motion Special Development Permit to allow dancing and music at
an existing restaurant (Taverna Gyros).

REPORT IN BRIEF

Existing Site Existing restaurant in a one-story building

Conditions

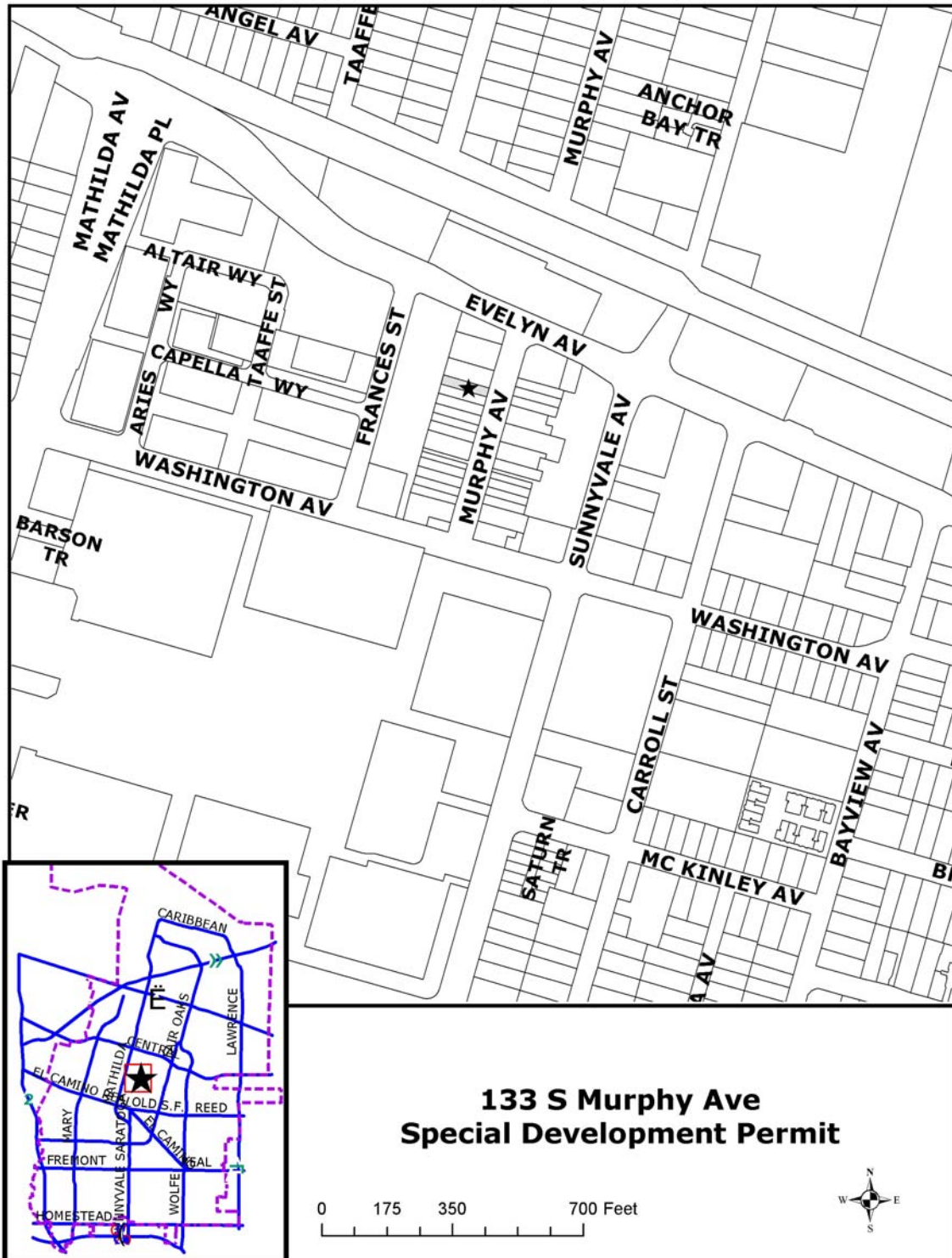
Surrounding Land Uses

North	Historic Commercial
South	Historic Commercial
East	Murphy Avenue/Historic Commercial
West	Parking District

Issues Noise

Environmental A Class 1 Categorical Exemption relieves this project
Status from California Environmental Quality Act provisions
and City Guidelines.

Staff Approve with Conditions
Recommendation



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Downtown Specific Plan (DSP)	Same	Same
Zoning District	DSP, Block 2	Same	Same
Lot Size (s.f.)	3125	Same	No min.
Gross Floor Area (s.f.)	2625	Same	No min.
Lot Coverage (%)	84	Same	100
Floor Area Ratio (FAR)	84	Same	
No. of Buildings On-Site	1	Same	1
Building Height (ft.)	11	Same	36
No. of Stories	1	Same	2 max.
Setbacks (sq. ft) (facing property)			
• Front	0	Same	0 min.
• Left Side	0	Same	0 min.
• Right Side	0	Same	0 min.
• Rear	35	Same	0 min.

ANALYSIS**Description of Proposed Project**

The applicant proposes to expand the existing restaurant use with the addition of a (belly) dancer and a disc jockey ("DJ"). The belly dancer would perform three, 20 minute shows per week on Thursday at 8pm and Saturday at 7:30pm and 8:30pm. The dancer's music is played over the sound system that is currently in the restaurant.

The applicant is also requesting to extend the restaurant use by adding a "DJ" for occasional special private parties. The "DJ's" music will utilize the sound system that is currently in the restaurant. The applicant has stated that the special parties may extend the hours of operation of the restaurant to 1:30am.

The current hours of operation of the restaurant are Monday –Friday 10am – 2:30pm and 5pm – 11pm, Saturday and Sunday 11am – 11pm.

Background

Previous Actions on the Site: The following table summarizes recent Planning actions on the site.

File Number	Brief Description	Hearing/Decision	Date
2003-0342	6 outdoor dining tables in front of the restaurant	Miscellaneous Plan Approval/ Approved	5/27/20003
2002-0667	Allow beer and wine in a new restaurant	Special Development Permit/ Approved	10/16/2002
2001- 0730	6 foot metal fence and gate at rear of property	Miscellaneous Plan Permit/ Approved	11/9/2001

The project site is in an existing restaurant. The site is located within the Murphy Station Heritage Landmark District. SDP #2002-0667 approved the restaurant hours of operation as follows: Monday – Thursday, 11am – 11pm, and Friday and Saturday 11am – 1pm.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes minor changes of use.

Special Development Permit

Use: The applicant proposes to provide live entertainment with one belly dancer and a “DJ” (disc jockey) to an existing restaurant use located on South Murphy Avenue in the Murphy Station Landmark District. A Special Development Permit is required by Sunnyvale Municipal Code Section 19.28.070 to allow live entertainment in the restaurant.

The City Attorney’s Office has commented that the belly dancing use does not appear to fall into the category of Adult Entertainment, which is addressed in Sunnyvale Municipal Code Section 9.40.

Site Layout: The proposed dancer and disc jockey will be located within the existing building. No site modifications are proposed.

Architecture: There are no proposed exterior architectural changes associated with this project.

Landscaping: There are no landscaping modifications associated with this project.

Parking/Circulation: This site is within the Downtown Parking District. No additional parking is required.

Compliance with Development Standards/Guidelines:

Downtown Specific Plan Guidelines

The project meets all Code requirements for the Downtown Specific Plan, Block 2 Zoning District. There is no proposed increase in floor area or new development proposed as part of this project. The proposed dancer and “dj” do not intensify the use of the site.

Murphy Avenue Guidelines

Adding a dancer and a “dj” requires no modification to the architecture of the building.

Expected Impact on the Surroundings:

The proposed entertainment use will have no significant impacts on the surrounding area. Live entertainment in the existing restaurant will be compatible with the Downtown Specific Plan. Staff is recommending as Condition of Approval #I that the dancing must occur indoors, and is not allowed out on the public sidewalk.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Special Development Permit.

- Findings and General Plan Goals are located in Attachment A.
- Conditions of Approval are located in Attachment B.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 5 notices mailed to adjacent property owners and residents of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Approve the Special Development Permit with attached conditions found in Attachment B.
2. Approve the Special Development Permit with modified Conditions of Approval.
3. Deny the Special Development Permit.

Recommendation

Alternative 1.

Prepared by:

Teresa Zarrin
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Letter from the Applicant
- D. Floor Plan

Recommended Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project will provide a small dance performance and add cultural interest to the community which will encourage visitors and local residents to utilize downtown.

Goals and Policies that relate to this project are:

Downtown Specific Plan

Goal B *To establish the Downtown as the cultural, retail, financial, and entertainment center of the community, complemented by employment, housing and transit opportunities.*

B.5 *Promote opportunities for small independent businesses and merchants by creating sites for independent retail and entertainment venues.*

The project will provide an entertainment venue and cultural arts to the community.

Heritage Preservation Sub-Element

6.3.B.1a *Continue to monitor and review development on Murphy Avenue, to preserve its heritage resources and encourage the maintenance of an environment that attracts both visitors and local residents, thereby encouraging Murphy Avenue's ongoing commercial vitality.*

The project will provide a small dance performance and add cultural interest to the community which will encourage visitors and local residents to utilize downtown.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties because the general appearance of the structure will not be affected and adding live entertainment will encourage visitors and add cultural interest to Downtown Sunnyvale.

Recommended Conditions of Approval Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

- A. Execute a Special Development Permit document. Allowed entertainment includes: one dancer and a disc jockey ("dj").
- B. The Special Development Permit for the use shall expire two years from the date of approval by the final review authority, if the use is discontinued, unless a written request for an extension is received prior to expiration date
- C. The business shall close no later than 2:00am., the same as the other restaurants and businesses on the street (the public parking lot closes at 2:30am.)
- D. Any expansion or modification of the approved use shall be approved by separate application.
- E. As required by Code, the proposed use shall comply with the requirements of the Noise Ordinance. (Sunnyvale Municipal Code 19.42.030)
- F. No loudspeakers shall be allowed outside at any time. Comply with Sunnyvale Municipal Code Section 9.48.010 pertaining to restricting the use of loudspeakers that cause sound to be projected outside of a building or out-of-doors between the hours of ten p.m. and ten a.m.
- G. Comply with Sunnyvale Municipal Code 19.46.010 which does not allow public dancing between the hours of two a.m. and nine a.m.
- H. The dancer can not engage in any activities for which an Adult Entertainment License is required under Sunnyvale Municipal Code 9.40.
- I. Dancing is limited to the interior of the building only. No dancing shall occur outside.

ATTACHMENT C
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We are asking for a special permit for
entertainment at Taverna Gyros at
133 South Murphy Ave, Sunnyvale, CA 94086.

We would like to have belly dancing and
DJ's on Thursdays, Saturdays and for
special banquets.

Our operation hours are:

M-F	10A - 230P	5P - 11P
Sat & Sun	11A - 11P	

If we have Special Private Parties, we
may be open until 1:30P.

EMRAH GURES
133. S. MURPHY AV
Sunnyvale CA
94086 -
01/17/05

